



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-833, A-421-815, A-455-806, A-469-825]

Certain Preserved Mushrooms from France, the Netherlands, Poland, and Spain: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable April 20, 2022.

FOR FURTHER INFORMATION CONTACT: Andre Gziryan (France), Benjamin A. Smith (the Netherlands), Whitley Herndon (Poland), or Katherine Johnson (Spain), AD/CVD Operations, Offices I, III, V, and VIII, respectively, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2201, (202) 482-2181, (202) 482-6274, or (202) 482-4929, respectively.

### SUPPLEMENTARY INFORMATION:

#### The Petitions

On March 31, 2022, the Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of certain preserved mushrooms (preserved mushrooms) from France, the Netherlands, Poland, and Spain filed in proper form on behalf of Giorgio Foods, Inc. (the petitioner), a domestic producer of preserved mushrooms.<sup>1</sup>

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<sup>1</sup> See Petitioner's Letter, "Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain: Petition for the Imposition of Antidumping Duties," dated March 31, 2022 (the Petitions).

Between April 5 and 12, 2022, Commerce requested supplemental information pertaining to certain aspects of the Petitions in separate supplemental questionnaires.<sup>2</sup> The petitioner filed responses to the supplemental questionnaires on April 8 and 13, 2022.<sup>3</sup>

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of preserved mushrooms from France, the Netherlands, Poland, and Spain are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the preserved mushroom industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions were accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petitions on behalf of the domestic industry, because the petitioner is an interested party, as defined in section 771(9)(C) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support for the initiation of the requested LTFV investigations.<sup>4</sup>

#### Periods of Investigation

Because the Petitions were filed on March 31, 2022, the period of investigation (POI) for these LTFV investigations is January 1, 2021, through December 31, 2021, pursuant to 19 CFR 351.204(b)(1).<sup>5</sup>

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<sup>2</sup> See Commerce's Letters, "Petitions for the Imposition of Antidumping Duties on Imports of Certain Preserved Mushrooms from France: Supplemental Questions," dated April 5, 2022 (General Issues Questionnaire); and Country-Specific Questionnaires: France Supplemental, Netherlands Supplemental, Poland Supplemental, and Spain Supplemental, dated April 5, 2022; *see also* Memoranda, "Petition for the Imposition of Antidumping Duties on Imports of Certain Preserved Mushrooms from France, Netherlands and Poland: Phone Call with Counsel to the Petitioner," dated April 12, 2022; and "Petition for the Imposition of Antidumping Duties on Imports of Certain Preserved Mushrooms from Spain: Phone Call with Counsel to the Petitioner," dated April 12, 2022 (collectively, April 12, 2022 Memoranda).

<sup>3</sup> See Petitioner's Letters, "Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain – Petitioner's Supplement to Volume I Relating to Request for the Imposition of Antidumping Duties on Imports from France, Netherlands, Poland, and Spain," dated April 8, 2022 (General Issues Supplement); Petitioner's Country-Specific Supplemental Responses, dated April 8, 2022; and "Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain – Petitioner's Second Supplement to Volume V Relating to Request for the Imposition of Antidumping Duties on Imports from Spain," dated April 13, 2022 (Spain Second Supplement).

<sup>4</sup> See *infra*, section titled "Determination of Industry Support for the Petitions."

<sup>5</sup> See 19 CFR 351.204(b)(1).

## Scope of the Investigations

The product covered by these investigations is preserved mushrooms from France, the Netherlands, Poland, and Spain. For a full description of the scope of these investigations, *see* the appendix to this notice.

## Comments on the Scope of the Investigations

On April 5 and 12, 2022, Commerce requested further information and clarification from the petitioner regarding the proposed scope, to ensure that the scope language in the Petitions is an accurate reflection of the product for which the domestic industry is seeking relief.<sup>6</sup> On April 8, 2022, the petitioner revised the scope.<sup>7</sup> The description of the merchandise covered by these investigations, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).<sup>8</sup> Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,<sup>9</sup> all such factual information should be limited to public information. To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on May 10, 2022, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on May 20, 2022, which is ten calendar days from the initial comment deadline.

Commerce requests that any factual information that parties consider relevant to the scope of these investigations be submitted during this period. However, if a party subsequently finds that additional factual information pertaining to the scope of these investigations may be

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<sup>6</sup> See General Issues Questionnaire; *see also* April 12, 2022 Memoranda.

<sup>7</sup> See General Issues Supplement at 4 and Exhibit GEN-12.

<sup>8</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>9</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

relevant, the party must contact Commerce and request permission to submit the additional information. All such submissions must be filed on the records of each of the concurrent AD investigations.

### Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.<sup>10</sup> An electronically-filed document must be received successfully in its entirety by the time and date on which it is due. Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>11</sup>

### Comments on Product Characteristics

Commerce is providing interested parties an opportunity to comment on the appropriate physical characteristics of preserved mushrooms to be reported in response to Commerce's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant costs of production accurately, as well as to develop appropriate product comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) general product characteristics; and (2) product comparison criteria. We note that it is not always appropriate to use all product characteristics as product comparison criteria. We base product comparison criteria on meaningful commercial differences among products. In other words, although there

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<sup>10</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance; Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014) for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on help using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at [https://access.trade.gov/help/Handbook\\_on\\_Electronic\\_Filing\\_Procedures.pdf](https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf).

<sup>11</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

may be some physical product characteristics utilized by manufacturers to describe preserved mushrooms, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on May 10, 2022, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on May 20, 2022, which is ten calendar days from the initial comment deadline. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of each of the LTFV investigations.

#### Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the “industry.”

Section 771(4)(A) of the Act defines the “industry” as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,<sup>12</sup> they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.<sup>13</sup>

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations.<sup>14</sup> Based on our analysis of the information submitted on the record, we have determined that preserved mushrooms, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.<sup>15</sup>

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<sup>12</sup> See section 771(10) of the Act.

<sup>13</sup> See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F. 2d 240 (Fed. Cir. 1989)).

<sup>14</sup> See Petitions at Volume I at 9-10.

<sup>15</sup> For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, see Antidumping Duty Investigation Initiation Checklists: Certain Preserved Mushrooms from France, the Netherlands, Poland, and Spain (Country-Specific AD Initiation Checklists) at Attachment II, Analysis of Industry Support for the Antidumping Duty Petitions Covering Certain Preserved Mushrooms from France, the Netherlands, Poland, and Spain (Attachment II). These checklists are dated concurrently with this notice and on file electronically via ACCESS.

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the “Scope of the Investigations,” in the appendix to this notice. To establish industry support, the petitioner provided its own 2021 production of the domestic like product.<sup>16</sup> In addition, the petitioner estimated the 2021 production of Sunny Dell Foods, LLC, the other U.S. producer of the domestic like product in 2021.<sup>17</sup> The petitioner then compared its production to the total volume of preserved mushrooms produced by the U.S. industry.<sup>18</sup> We relied on the data provided by the petitioner for purposes of measuring industry support.<sup>19</sup>

Our review of the data provided in the Petitions, the General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petitions.<sup>20</sup> First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).<sup>21</sup> Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.<sup>22</sup> Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.<sup>23</sup> Accordingly, Commerce determines that

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<sup>16</sup> See Petitions at Volume I at 3-4.

<sup>17</sup> *Id.* at 4 and Exhibit GEN-1.

<sup>18</sup> *Id.* at 4.

<sup>19</sup> *Id.* at 2-4 and Exhibit GEN-1; see also General Issues Supplement at 4-5 and Exhibit GEN-13.

<sup>20</sup> *Id.* For further discussion, see Attachment II of the Country-Specific AD Initiation Checklists.

<sup>21</sup> *Id.*; see also section 732(c)(4)(D) of the Act.

<sup>22</sup> See Attachment II of the Country-Specific AD Initiation Checklists.

<sup>23</sup> *Id.*

the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.<sup>24</sup>

#### Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at LTFV. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>25</sup>

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share, underselling and price depression and/or suppression; declining U.S. shipments; plant closures and layoffs; low capacity utilization; low operating income; lost sales and revenues; and weak financial performance.<sup>26</sup> We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.<sup>27</sup>

#### Allegations of Sales at LTFV

The following is a description of the allegations of sales at LTFV upon which Commerce based its decision to initiate these LTFV investigations on imports of preserved mushrooms from France, the Netherlands, Poland, and Spain. The sources of data for the deductions and adjustments relating to U.S. price and normal value (NV) are discussed in greater detail in the country-specific AD initiation checklists.

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<sup>24</sup> *Id.*

<sup>25</sup> See Petitions at Volume I at 11 and Exhibit GEN-7.

<sup>26</sup> *Id.* at 12-26 and Exhibits GEN-2 through GEN-4, and GEN-8 through GEN-10; see also General Issues Supplement at 5-6 and Exhibit GEN-14.

<sup>27</sup> See Country-Specific AD Initiation Checklists at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petitions Covering Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain (Attachment III).



## U.S. Price

For France, the Netherlands, Poland, and Spain, the petitioner based export price (EP) on the average unit values of publicly available import data.<sup>28</sup> To calculate an ex-factory, net EP, the petitioner then deducted expenses associated with inland freight incurred within each respective country.<sup>29</sup>

## Normal Value<sup>30</sup>

For France, the Netherlands, Poland, and Spain, the petitioner based normal value (NV) on home market prices obtained through market research for preserved mushrooms produced in and sold, or offered for sale, in each country during the applicable time period.<sup>31</sup> For Spain, the petitioner provided information indicating that the home market prices it obtained through market research were below the cost of production (COP) and, therefore, the petitioner also calculated NV based on constructed value (CV).<sup>32</sup> For further discussion of CV, *see* the section “Normal Value Based on Constructed Value.”

## Normal Value Based on Constructed Value

As noted above, the petitioner provided information indicating that the prices charged for preserved mushrooms produced in and sold, or offered for sale, in Spain were below the COP; therefore, for Spain, the petitioner also calculated NV based on CV.<sup>33</sup> Pursuant to section 773(e) of the Act, the petitioner calculated CV as the sum of the cost of manufacturing (COM); selling, general, and administrative expenses; financial expenses; and profit.<sup>34</sup> In calculating the COM, the petitioner stated that it did not have access to the actual production costs in Spain of preserved mushrooms because such information is not publicly available.<sup>35</sup> Therefore, the

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<sup>28</sup> *See* Country-Specific AD Initiation Checklists.

<sup>29</sup> *Id.*

<sup>30</sup> In accordance with section 773(b)(2) of the Act, for these investigations, Commerce will request information necessary to calculate the CV and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product.

<sup>31</sup> *See* Country-Specific AD Initiation Checklists.

<sup>32</sup> *See* Spain AD Initiation Checklist.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

petitioner relied on its own production experience and input consumption rates, adjusted for known differences, and valued inputs using publicly available information on costs specific to Spain during the proposed POI.<sup>36</sup> In calculating selling, general, and administrative expenses; financial expenses; and profit ratios, the petitioner relied on the financial statements of producers of preserved mushrooms or comparable merchandise in Spain.<sup>37</sup>

#### Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of preserved mushrooms from France, the Netherlands, Poland, and Spain are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for preserved mushrooms from each of the countries covered by this initiation are as follows: (1) France – 124.41 percent to 360.88 percent; (2) the Netherlands – 120.88 percent to 146.59 percent; (3) Poland – 20.07 percent to 30.01 percent; and (4) Spain – 17.21 percent to 156.59 percent.<sup>38</sup>

#### Initiation of LTFV Investigations

Based upon our examination of the Petitions and supplemental responses, we find that they meet the requirements of section 732 of the Act. Therefore, we are initiating these LTFV investigations to determine whether imports of preserved mushrooms from France, the Netherlands, Poland, and Spain are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

#### Respondent Selection

In the Petitions, the petitioner identified four companies in France, six companies in the Netherlands, five companies in Poland, and seven companies in Spain as producers and/or

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> See Country-Specific AD Initiation Checklists.

exporters of preserved mushrooms.<sup>39</sup> Following standard practice in LTFV investigations involving market economy countries, in the event that Commerce determines that the number of exporters or producers in any individual case is large such that it cannot individually examine each company based upon its resources, where appropriate, Commerce intends to select mandatory respondents in that case based on U.S. Customs and Border Protection (CBP) data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States subheadings listed in the “Scope of the Investigations,” in the appendix.

On April 18 and 19, 2022, Commerce released CBP data on U.S. imports of preserved mushrooms from France, the Netherlands, Poland, and Spain under administrative protective order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment on the CBP data and/or respondent selection must do so within three business days after the publication date of the notice of initiation of these investigations.<sup>40</sup> Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Comments on CBP data and respondent selection must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety via ACCESS by 5:00 p.m. ET on the specified deadline. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce’s website at <https://enforcement.trade.gov/apo>.

#### Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of France, the

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<sup>39</sup> See Petitions at Volume I at 8 and Exhibit GEN-5; *see also* General Issues Supplement at 2 and Exhibit GEN-11.

<sup>40</sup> See Memoranda, “Antidumping Duty Petition on Imports of Preserved Mushrooms from the Netherlands: Release of U.S. Customs and Border Protection Data,” dated April 18, 2022; “Antidumping Duty Petition on Imports of Preserved Mushrooms from Poland: Release of U.S. Customs and Border Protection Data,” dated April 18, 2022; “Antidumping Duty Petition on Imports of Preserved Mushrooms from Spain: Release of U.S. Customs and Border Protection Data,” dated April 18, 2022; and “Antidumping Duty Petition on Imports of Preserved Mushrooms from France: Release of U.S. Customs and Border Protection Data,” dated April 19, 2022.

Netherlands, Poland, and Spain via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

#### ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

#### Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of preserved mushrooms from France, the Netherlands, Poland, and Spain are materially injuring, or threatening material injury to, a U.S. industry.<sup>41</sup> A negative ITC determination for any country will result in the investigation being terminated with respect to that country.<sup>42</sup> Otherwise, these LTFV investigations will proceed according to statutory and regulatory time limits.

#### Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce’s regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted<sup>43</sup> and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.<sup>44</sup> Time limits for the submission of factual

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<sup>41</sup> See section 733(a) of the Act.

<sup>42</sup> *Id.*

<sup>43</sup> See 19 CFR 351.301(b).

<sup>44</sup> See 19 CFR 351.301(b)(2).

information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

#### Particular Market Situation Allegation

Section 773(e) of the Act addresses the concept of particular market situation (PMS) for purposes of CV, stating that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act, nor 19 CFR 351.301(c)(2)(v), set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of a respondent’s initial section D questionnaire response.

#### Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by

which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; Commerce will grant untimely filed requests for the extension of time limits only in limited cases where we determine, based on 19 CFR 351.302, that extraordinary circumstances exist. Parties should review Commerce's regulations concerning factual information prior to submitting factual information in these investigations.<sup>45</sup>

### Certification Requirements

Any party submitting factual information in an AD or countervailing duty proceeding must certify to the accuracy and completeness of that information.<sup>46</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>47</sup> Commerce intends to reject factual submissions if the submitting party does not comply with the applicable certification requirements.

### Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. Parties wishing to participate in these investigations should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing a letter of appearance as discussed). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>48</sup>

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

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<sup>45</sup> See 19 CFR 351.301; *see also Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>

<sup>46</sup> See section 782(b) of the Act.

<sup>47</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at [https://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>48</sup> See *Temporary Rule*.

Dated: April 20, 2022

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Lisa W. Wang  
Assistant Secretary  
for Enforcement and Compliance

## Appendix

### Scope of the Investigations

The merchandise covered by these investigations is certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under these investigations are the genus *Agaricus*. “Preserved mushrooms” refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heat sterilized in containers each holding a net drained weight of not more than 12 ounces (340.2 grams), including but not limited to cans or glass jars, in a suitable liquid medium, including but not limited to water, brine, butter, or butter sauce. Preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces.

Excluded from the scope are “marinated,” “acidified,” or “pickled” mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives. To be prepared or preserved by means of vinegar or acetic acid, the merchandise must be a minimum 0.5 percent by weight acetic acid.

The merchandise subject to these investigations is classifiable under subheadings 2003.10.0127, 2003.10.0131, and 2003.10.0137 of the Harmonized Tariff Schedule of the United States (HTSUS). The subject merchandise may also be classified under HTSUS subheadings 2003.10.0143, 2003.10.0147, and 2003.10.0153. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

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